IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 523 of 2001
(Old No. 370 of 1994)

Haji Talib Rasool S/o Sri Mohammad Yaseen
R/o Mohalla Shahalal,
Police Station Mandi
District Saharanpur …Revisionist

Versus

1. Chief Judicial Magistrate, Haridwar
2. State of U.P.
3. Amarpal Singh S/o Sri Mula Singh
   Typist Kacheri Haridwar
   Police Station Katwali
   District Haridwar …. Opposite Parties

Hon'ble B.C. Kandpal, J.

This is the transferred revision from the Allahabad High Court.

After the file has been received by this Court, the notice was issued to the revisionist.

The report of the C.J.M. Saharanpur is available on the record, which shows that the revisionist has been personally served.

List has been revised. In spite of service neither the revisionist nor any counsel appears on behalf of revisionist. However, I heard the learned A.G.A. and perused the record.

The revision has been preferred against the order dated 21.09.1993 passed by C.J.M. Haridwar in case No. 3455 of 1993 Amarpal Singh Vs. Mohammad Talib summoning the revisionist under Section 420 and 406 I.P.C.

The brief facts giving rise to this revision are that the complainant Amarpal Singh field a complaint before the court

of C.J.M. Haridwar stating therein that the revisionist obtained Rs. 8,000/- from the complainant on the assurance that he will construct the house of the complainant but after receiving the money, the accused neither constructed the house nor return the money. Hence the complaint was lodged against him.

The statement of the witnesses under Section 200 Cr.P.C. shows that the complainant handed over an amount of Rs. 8000/- to the accused on the assurance given by the accused for supplying the material for the construction of the house. But after receiving the said amount, the accused neither supplied the material nor returned the money.

The complainant has produce the witnesses Tej Singh Pundir and Sadhyram who have also stated in their deposition under Section 200 Cr.P.C. that money was given by the complainant to the accused in their presence.

Considering the aforesaid documents available on the record, I find that the learned C.J.M. has rightly summoned the accused/revisionist. I find myself in total agreement with the view adopted by the court below.

I do not find any ground for interference in the impugned order passed by the learned C.J.M. by way of the personal report. The impugned order does not suffer with any illegality, impropriety or error of jurisdiction.

For the reasons stated above the revision being devoid of merits, is liable to be dismissed.

The revision is accordingly dismissed.

(B.C. Kandpal, J.)

27.07.2004
ASWAL